

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN THE MATTER OF)
)
THE EXTRADITION OF)
)
LEIKEZE TYREKE KIBET CHERUIYOT)



**COMPLAINT FOR PROVISIONAL ARREST
WITH A VIEW TOWARD EXTRADITION
(18 U.S.C. § 3184)**

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. In this matter, I represent the United States in fulfilling its treaty obligation to Canada.

2. There is an extradition treaty in force between the United States and Canada: Treaty on Extradition Between the United States of America and Canada, U.S.-Can., Dec. 3, 1971, 27 U.S.T. 983, *as amended by* Protocol Amending the Extradition Treaty with Canada, U.S.-Can., Jan. 11, 1988, S. TREATY DOC. NO. 101-17 (1990); *and* Second Protocol Amending the Extradition Treaty with Canada, U.S.-Can., Jan. 12, 2001, S. TREATY DOC. NO. 107-11 (2002) (collectively, the “Treaty”).

3. The Treaty provides in Article 11 for the provisional arrest and detention of alleged fugitives pending the submission of a formal request for extradition and supporting documents.

4. In accordance with Article 11 of the Treaty, the Government of Canada has asked the United States to provisionally arrest Leikeze Tyreke Kibet CHERUIYOT (“CHERUIYOT” or the “fugitive”) with a view toward his extradition.

5. According to information the Government of Canada has provided, CHERUIYOT is wanted for prosecution on the following charges: (1) one count of aggravated sexual assault in violation of Section 273(1) of the Criminal Code of Canada (“CCC”); (2) one count of aggravated assault in violation of Section 268 of the CCC; (3) one count of breaking and entering in Section 348(1)(b) of the CCC; (4) one count of sexual assault in violation of Section 271 of the CCC; and (5) two counts of forcible confinement in violation of Section 279(2) of the CCC.

6. These offenses were committed within the jurisdiction of Canada. On September 18, 2024, Justice of the Peace Fabiano Mendes of the Ontario Court of Justice issued an arrest warrant for CHERUIYOT.

7. Canada seeks CHERUIYOT’s provisional arrest with a view toward extradition based on the following facts:

A. July 13, 2022 Assault of Victim A

8. On July 13, 2022, at 9:39 a.m., a witness called 911 to report an assault on a woman in William Schwenger Park in Hamilton, Ontario. Police and paramedics reported to the scene and found the victim, hereinafter “Victim A”, with her hands bound behind her back with zip ties. Victim A was transported to the hospital due to several injuries she had sustained, including a black eye, vision issues, scratches and bruising, two broken ribs, muscle damage, and a strained neck and back. Victim A was released from the hospital the following day, on July 14, 2022.

9. That same day, on July 14, 2022, Victim A provided a statement to the Hamilton Police Service (“HPS”). She told authorities she went for a walk at the William Schwenger Park around 7:40 a.m. on the morning of July 13, 2022. Approximately 20 minutes into her walk, an unknown male wearing a black surgical mask attacked her from behind and dragged her

backwards off the paved trail and into a wooded area. The assailant bound her hands behind her back with a zip tie and gagged her mouth with a piece of fabric, while punching her in the face and the side of her torso. After an unknown period of time, the assailant stopped hitting Victim A and got off of her. At that point, Victim A spit out the gag from her mouth. The suspect then began punching the victim again while repeatedly saying “fuck you.” He replaced the gag in her mouth and attempted to roll her onto her stomach, but Victim A successfully resisted.

10. The attack ended when they heard the sound of female voices nearby. The assailant left the victim tied up in the woods and fled on foot. Victim A told authorities that she believed the suspect would have sexually assaulted her had the attack not been interrupted.

11. Victim A described her assailant as a black male, 22 to 25 years of age, with a fit/slim build and short black hair, who was wearing all dark clothing and a black surgical mask.

12. The witness who called 911 from William Schwenger Park on July 13, 2022, and her mother, who was also present at the scene, provided statements to HPS that same day. Both witnesses said they were walking on the trail at William Schwenger Park that morning when they encountered a black male looking on the ground in a grassy area. The male advised the witnesses that he was looking for his eyeglasses, and they unsuccessfully helped him look for them.

13. The witnesses told authorities that, as they began to walk away, they heard a noise they believed belonged to a woman or a child. They walked back towards where they had encountered the man looking for his glasses, and one witness headed down a side path to the wooded area in attempt to locate the source of the noise. That witness located the male with whom she had just interacted on top of a female, Victim A, who was screaming, “He’s raping

me.” The man got up, told the witness that he had found the victim in that condition, and walked away, leaving Victim A in the wooded area with her hands still bound behind her back.

14. The witnesses described the man as a black male, 18 to 24 years of age, with an athletic build and black curly hair, who was wearing a black ‘COVID’ mask, a dark colored t-shirt, and baggy black pants.

15. Officers who responded to the scene recovered a pair of black eyeglasses from the area where the witnesses said the male had been looking for glasses. Authorities swabbed the eyeglasses and underneath Victim A’s fingernails and sent the samples to a forensics lab for testing. On July 22, 2022, the forensics lab informed HPS that the DNA profile from the eyeglasses and the victim’s fingernails were a match to the same male, who was then unknown in the National DNA Databank of Canada.

16. Between July 13, 2022, and August 4, 2022, authorities were able to collect surveillance footage on consent from homeowners and businesses near the site of the attack of Victim A. According to the surveillance footage, a male matching the descriptions provided by the victim and witnesses was observed in the area of the attack at approximately 7:17 a.m. and seen fleeing William Schwenger Park at 9:40 a.m., a mere minute after the eyewitness had called 911. The footage showed the male running north and west away from the park using a trail system and side streets. Police showed the two eyewitnesses surveillance photos, and they both identified the man in the photos as the man they saw in the park on July 13, 2022.

B. August 7, 2023 Assault of Victim B

17. On August 7, 2023, at approximately 4:10 a.m., Canadian police received a 911 call to respond to the site of an alleged sexual assault at a residence in Hamilton, Ontario. Officers went to the residence, and the victim, hereinafter “Victim B”, provided a statement.

18. Victim B said that, around midnight, she had gone downstairs within her residence to sleep on the couch. She said both her front door and side entrance were unlocked, which was not unusual. At approximately 3:00 a.m., she was asleep on the couch when she was awoken to her covers being lifted. She turned over and saw a man she did not know standing beside the couch peering at her. While she was still on the couch, the intruder said, "when I cum, I'll leave." Victim B said the intruder undressed himself but kept his hoodie on to conceal his identity. He then undressed her, leaving her in only her underwear and bra. The intruder instructed Victim B to lay down on the couch, but she was unable to do so due to a bad hip on which she was waiting to have surgery. The intruder then had her perform oral sex on him for approximately one hour, during which he pulled her right breast out of her bra and touched her nipple. At some point, the intruder asked Victim B whether he could insert his penis into her vagina, but she declined, stating that her hip was too sore.

19. Victim B told authorities that the intruder was complimentary towards her and told her that he had a hard time with relationships because he was attracted to older women. When he had Victim B stop performing oral sex, the intruder told Victim B that she did a good job. He also said that he had been angry when he arrived but was no longer angry. Victim B said that, on his way out, the intruder asked if he could come back the next night. She agreed to his proposal in an effort to get him out of her residence. As soon as he left, Victim B called 911. She was transported to a hospital, where a sexual assault examination kit was completed. A swab was also taken from Victim B's right nipple, and it was submitted to the forensics lab for testing.

C. Identification of CHERUIYOT

20. On January 3, 2024, the forensics lab confirmed that the DNA profile from the swab of Victim B's nipple matched both the DNA profile from the swab underneath Victim A's fingernails and of the eyeglasses found at the scene of the assault of Victim A. Based on this match, Canadian authorities concluded that the same male suspect was responsible for the attacks on Victim A and Victim B.

21. On July 19, 2024, the eyeglass lenses found at the scene of Victim A's attack were tested by a registered optician at the University of Waterloo School of Optometry and Vision Science to determine the prescription. Canadian authorities then sought and obtained a production order from the manufacturer of the eyeglass frames to produce all customer records for individuals who had ordered the combination of eyeglass frame model and prescription over the prior five and a half years. The records confirmed that only four customers within the city of Hamilton, Ontario, had ordered that combination of frame and lens prescription. Two customers were female, one customer was a white male, and the fourth customer was identified as CHERUIYOT.

22. After a search of CHERUIYOT's name and driver's license records, HPS determined that CHERUIYOT matched the physical description of the suspect in both the July 13, 2022, and August 7, 2023, offenses. It was also determined that CHERUIYOT's last known address was northwest of where Victim A was attacked, which is the same direction in which the male suspect was seen on surveillance footage fleeing the scene, and in the same neighborhood as Victim B's residence.

23. After authorities were unable to locate CHERUIYOT at his last known address in Ontario, police contacted the Canada Border Services Agency, which informed police that

CHERUIYOT had left Canada and entered the United States on September 15, 2023, only a month after the attack of Victim B, and had not returned to Canada since. On August 28, 2024, HPS learned from U.S. law enforcement that CHERUIYOT had eventually settled in the area of Richmond, Virginia, near where his aunt resides. HPS further learned from local law enforcement in the Richmond area that CHERUIYOT had been the subject of another criminal investigation around that same time relating to his conduct in Virginia.

24. On September 17, 2024, HPS officers traveled to Virginia to observe U.S. law enforcement obtain “cast off” DNA from CHERUIYOT. Specifically, officers observed CHERUIYOT, who a HPS officer identified as the same person in CHERUIYOT’s driver’s license photo, drinking from a water jug. Authorities seized the water jug from a table when CHERUIYOT had walked away, swabbed it, and voluntarily turned over the evidence to HPS. HPS then sent the swab to the Canadian forensics lab for testing. According to a forensics report issued on October 3, 2024, the DNA profile from the swab of the mouth of the water jug was an almost certain match to the DNA profiles from the two crime scenes. According to the report, it was more than one trillion times more likely that the source of the male DNA originated from CHERUIYOT and not some unknown person, unrelated to him. HPS concluded that CHERUIYOT was therefore the person responsible for both sets of crimes described herein.

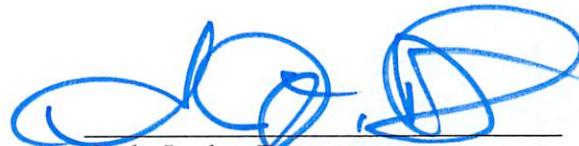
25. The offenses for which CHERUIYOT’s provisional arrest and extradition are sought are provided for in Article 2 of the Treaty.

26. CHERUIYOT is currently facing criminal charges in the City of Richmond, Virginia, and Henrico County, Virginia relating to his conduct after coming to Virginia. Those charges include simulated masturbation, trespass after forbidden, and indecent exposure. CHERUIYOT is being held in custody at the Henrico County Regional Jail West in Henrico,

Virginia, in connection with the charges pending in Henrico County. Accordingly, CHERUIYOT is reasonably likely to be found within this district.

27. The Government of Canada has represented that it will submit a formal request for extradition supported by the documents the Treaty specifies and within the time the Treaty requires.

WHEREFORE, the undersigned requests that a warrant for the arrest of the aforesigned person issue in accordance with 18 U.S.C. § 3184 and the extradition treaty between the United States and Canada.



Carla Jordan-Detamore
Assistant United States Attorney

Sworn to before me and subscribed in my presence this 24th day of October, 2024, at Richmond, Virginia.



Honorable Mark R. Colombell
United States Magistrate Judge